REMARKS

I. Claim Numbering

In the Office Action dated June 29, 2004, the Examiner indicated that the number of claims is not in accordance with 37 C.F.R. 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are cancelled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). The Examiner indicated that the claims have two number 13 claims, and the claims in question have been renumbered as claims 14-21. In support of this assessment by the Examiner, the Applicants have renumbered the claims accordingly and have also amended claims 14-21 to refer to the correct claim dependencies thereof. Applicants therefore request entry of the claim amendments indicated herein.

II. Claim Rejections 35 U.S.C. § 102

In the Office Action dated June 29, 2004, the Examiner rejected claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,474,704 to Rathmann, et al., hereinafter referred to as "Rathmann".

Requirements for *Prima Facie* Anticipation

A general definition of *prima facie* unpatentability is provided at 37 C.F.R. §1.56(b)(2)(ii):

> A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its

broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (*emphasis added*)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundscriber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the applicants' claims, *Rathmann* must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the Applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i.e.*, show that *Rathmann* fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a prima face case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

Rathmann

The Examiner argued that Rathmann discloses a latch system with a latch mechanism (citing Fig. 1 of Rathmann) having a sealed area (1) and an unsealed area (3), and a magnetic coupling mechanism (citing 10 and 13 of Rathmann) for coupling motion between the sealed area and the unsealed area, wherein the magnetic coupling mechanism comprises a permanent magnet (citing magnets within electrical motors), as in claims 1-2 and 8.

The Applicants respectfully disagree with this assessment. Reference numeral 1 of Rathmann does not disclose, suggest, teach or refer to a "sealed area". Instead, reference numeral 1 of Rathmann refers to a detent-pawl drive.

For example, FIG. 1 and col. 2, lines 14-29 of Rathmann teach a detent-pawl drive, rather than a "sealed area". Applicants' amended claim 1, for example, teaches a latch system, comprising a latch mechanism having and containing at least one sealed area and at least one unsealed area thereof, and a magnetic coupling mechanism for coupling motion between said at least one sealed area and said at least one unsealed area and vice versa. Applicants' FIG. 2 further shows a latch mechanism containing both the sealed area 204 and the unsealed area 206. Such sealed and unsealed areas are therefore maintained by the latch mechanism.

The detent-pawl drive 1 of Rathmann, on the other hand, is clearly not a "sealed area" contained within a latch mechanism or even maintained by a latch a mechanism. Instead, the detent-pawl drive 1 of Rathmann is an assembly that includes a variety of components, but not a sealed area unto itself, as the Examiner argues. It is also important to note that Applicants' invention refers to "said at least one sealed area", which is equivalent to the phrase "one or more sealed areas". Rathmann clearly does not disclose, suggest or show "one or more sealed areas". Similarly, Applicants' invention refers to "said at least one unsealed area", which is generally equivalent to the phrase "one or more unsealed areas". Rathmann clearly does not disclose, suggest or show "one or more unsealed areas".

Additionally, reference numeral 3 of Rathmann does not refer to an "unsealed area" but instead refers to a "locking bolt". For example, FIG. 1 and col. 2, lines 14-30 of Rathmann refer to a locking bolt 3. Applicants point out that a locking bolt is actually a device for locking or sealing, whereas the unsealed area of Applicants' invention is not a device for locking or sealing and hence, is not a locking bolt of the type described by Rathmann.

Applicants further point out that reference numerals 10 and 13 of Rathmann cited by the Examiner do not function as a "coupling mechanism" but instead refer to "actuating drives 10 and 13". The coupling mechanism of Applicants' invention is not an actuating drive, but instead functions as a magnetic coupling mechanism for

coupling motion between said at least one sealed area and said at least one unsealed area and vice versa. As indicated above, Rathmann does not teach, disclose or suggest "one or more sealed and one or more unsealed areas". Additionally, Rathmann does not teach, suggest or disclose that actuating drives 10 and 13 function as "magnetic" coupling mechanism. Instead, as indicated at col. 2, lines 57-60, "the two actuating drives are designed as constructionally identical electric motors which are of good value and reduce the number of parts". The magnetic coupling mechanism of Applicants' invention is not a motor. Because the magnetic coupling mechanism of Applicants' invention is not a motor, the Examiners reference to a permanent magnet (citing magnets within electrical motors) is therefore incorrect.

The Examiner further argued that Rathmann discloses the steps of providing a latch mechanism (citing column 2, lines 15-29 of Rathmann) having at least one sealed area (1) and at least one unsealed area (3) thereof and a coupling motion (citing column 3, lines 33-51 of Rathmann) between the sealed area and the unsealed area utilizing a magnetic coupling mechanism (citing 10 and 13 of Rathmann), as in claim 14, wherein the magnetic coupling mechanism comprises a permanent magnet (citing magnets with electrical motors), as in claim 15.

The Applicants respectfully disagree with this assessment. As indicated above, Rathmann does not teach, suggest or disclose one or more sealed areas and one or more unsealed areas. As indicated above, reference numerals 1 and 3 do not refer to "one or more sealed" and "one or more unsealed" areas, but instead refer to a detent-pawl drive 1 and 1 locking bolt 3. In order to successfully set forth a rejection under 35 U.S.C. 102(b), the cited reference (i.e., Rathmann) but show all of the features of the rejected claims. Additionally, as indicated above, reference numerals 10 and 13 of Rathmann cited by the Examiner do not function as a "coupling mechanism" but instead refer to "actuating drives 10 and 13". Therefore, because such features are not disclosed by Rathmann, the action of column 3, lines 33-51 of Rathmann cannot be said to show the "coupling mechanism" taught by

Applicants' claims. Because all of the features of Applicants' claims, including "one or more sealed areas" and "one or more unsealed areas" are not disclosed by Rathmann, the Rejection to Applicants' claims under 35 U.S.C. 102(b) must fail.

The Examiner further argued that Rathmann discloses the magnetic coupling mechanism comprising an electromagnet (citing 10 and 13 of Rathmann), as in claims 3 and 16, ant the latch mechanism comprises a vehicle door latch mechanism (citing column1, lines 6-8 of Rathmann) for an automobile, as in claims 4-6, 9-11, and 17-19, as well as comprising a plurality of shafts (citing drive shafts coupling 10 and 13 to 11 and 14, respectfully) coupled to the magnetic coupling mechanism for engaging the sealed area with the unsealed area, as in claims 7, 12-13, and 20-21.

The Applicants respectfully disagree with this assessment and note that the Examiner had earlier cited reference numerals 10 and 13 as comprising a coupling mechanism, but now refer to reference numerals 10 and 13 as an electromagnet. As indicated earlier, reference numerals 10 and 13 of Rathmann cited by the Examiner do not function as a "coupling mechanism" but instead refer to "actuating drives 10 and 13". The coupling mechanism of Applicants' invention is not an actuating drive, but instead functions as a magnetic coupling mechanism for coupling motion between said at least one sealed area and said at least one unsealed area and vice versa.

Also, as indicated above, Rathmann does not teach, disclose or suggest "one or more sealed and one or more unsealed areas". Additionally, Rathmann does not teach, suggest or disclose that actuating drives 10 and 13 function as "magnetic" coupling mechanism. Instead, as indicated at col. 2, lines 57-60, "the two actuating drives are designed as constructionally identical electric motors which are of good value and reduce the number of parts". The magnetic coupling mechanism of Applicants' invention is not a motor. Because the magnetic coupling mechanism of

Applicants' invention is not a motor, the Examiners reference to a permanent magnet (citing magnets within electrical motors) is therefore incorrect.

Based on the foregoing, Applicants submit that the rejection to claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by Rathmann have been traversed, because Rathmann does not show each and every (i.e., all) of the features of Applicants' claims 1-21. Applicants therefore respectfully request withdrawal of the aforementioned rejection to claims 1-21 under 35 U.S.C. § 102(b).

III. Conclusion

The Applicants have amended the claims in response to the Office Action dated June 29, 2004. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Additionally, it is believed that support for such amendments is provided within the specification, including the drawings and claims, and that the specification adequately enables such amendments.

In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call the Applicants' attorney at the below-indicated telephone number.

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Respectfully submitted,

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